

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SCOTT BREIDING, AMY POLLUTRO,
MIKAELA ORTSTEIN-OTERO, BENJAMIN
ROSE, MARGARET LEWIS AND
RICHARD LEWIS, ERIC LONG, PETER
STEERS, ERIK ALLEN, BRADFORD
KEITH, JOHN ODUM, and DAVID
LEIGHTON, on behalf of themselves and
others similarly situated,

Plaintiffs,

v.

EVERSOURCE ENERGY, a Massachusetts
voluntary association, and AVANGRID, INC.,
a New York corporation,

Defendants.

C.A. No. 17-12274-DJC

STIPULATION TO EXTEND TIME

NICHOLAS CORREIA, DONNA CORDEIRO,
JANICE ANGELILLO, ANNA MARIA
FORNINO, MICHELE CASSETTA, JUDY
CENNAMI, JANICE BRADY, OPAL ASH,
MARK LEJEUNE, and ROBERTO PRATS, on
behalf of themselves and others similarly
situated,

Plaintiffs,

v.

EVERSOURCE ENERGY, a Massachusetts
voluntary association, and AVANGRID, INC.,
a New York corporation,

Defendants.

C.A. No. 18-10235-DJC

STIPULATION TO EXTEND TIME

WHEREAS, Plaintiffs in Case No. 17-12274-DJC (“*Breiding* Plaintiffs”) filed a Class Action Complaint (“*Breiding* Complaint”) against Defendants on November 16, 2017; and

WHEREAS, on December 7, 2017, this Court approved a stipulation to allow Defendants an extension of time to January 29, 2018, to answer, move or otherwise respond to the *Breiding* Complaint; and

WHEREAS, on January 26, 2018, the Court approved in part Defendants’ requests for an extension of the otherwise-applicable page limits for their respective Motions to Dismiss the *Breiding* Complaint; and

WHEREAS, on January 29, 2018, Defendants filed Motions to Dismiss the *Breiding* Complaint under Federal Rule of Civil Procedure 12(b); and

WHEREAS, the *Breiding* Plaintiffs would have 21 days from the date of Defendants’ Motions to Dismiss to amend the *Breiding* Complaint as of right under Federal Rule of Civil Procedure 15, but otherwise would have had 14 days from the date of Defendants’ Motions to Dismiss to file responses in opposition to those motions under Local Rule 7.1; and

WHEREAS, Plaintiffs in Case No. 18-10235-DJC (“*Correia* Plaintiffs”) filed a similar Class Action Complaint (“*Correia* Complaint”) against Defendants on February 6, 2018; and

WHEREAS, the *Correia* Plaintiffs designated their action as related to the *Breiding* Plaintiffs’ action and the *Correia* Plaintiffs’ action was thereafter assigned to this Court; and

WHEREAS, counsel for the *Breiding* Plaintiffs also serves as local counsel for the *Correia* Plaintiffs; and

WHEREAS the *Correia* Plaintiffs have requested that Defendants waive service of summons and accept service via electronic mail in the interest of efficiency; and

WHEREAS, counsel for the *Breiding* Plaintiffs and *Correia* Plaintiffs have conferred and now agree that consolidating these two actions, and any future related actions, into a single action will conserve the resources of all parties and the Court, and expedite a common resolution of similar claims; and

WHEREAS, counsel for the *Breiding* Plaintiffs and *Correia* Plaintiffs have conferred with counsel for Defendants regarding the need for an extension of time in which to consolidate these actions into a single action by amendment, stipulation, and/or motion:

NOW THEREFORE, the parties to both above-captioned actions stipulate and agree that:

- (1) Defendants agree to waive service of process as to the *Correia* Complaint;
- (2) The above-captioned actions, and any future related actions, are hereby consolidated for all purposes into one action;
- (3) The following schedule shall apply:
 - a. Within thirty-five (35) days after the Court enters this Stipulation, Plaintiffs shall file a consolidated complaint;
 - b. Within thirty (30) days after Plaintiffs file the consolidated complaint, Defendants shall answer, move or otherwise respond;
 - c. If Defendants file any motion(s) to dismiss claims made in the consolidated complaint, within thirty (30) days after such motion(s) is filed, Plaintiffs shall file a brief in opposition;
 - d. Within fifteen (15) days after such opposition is filed, Defendants shall file a reply brief in support of the motion(s) to dismiss, subject to obtaining leave from the Court; and
- (4) If the Court does not enter this Stipulation and finds that consolidation is not appropriate, the parties will promptly endeavor to submit a new schedule, subject to the Court's approval, for the filing of any separate amended complaints by the *Breiding* Plaintiffs and/or *Correia* Plaintiffs; separate answers or responsive motions by Defendants, including motions to dismiss; and separate responses by the *Breiding* Plaintiffs and/or *Correia* Plaintiffs to any responsive motions filed by Defendants.
- (5) In making this stipulation, Defendants do not waive (i) any affirmative defenses; (ii) any other statutory or common law defenses; or (iii) any right to seek or oppose any reassignment, transfer, or consolidated alternatives with respect to any of the currently

filed or future related actions; Defendants expressly reserve their rights to raise any such defenses (or any other defense) in response to either the *Breiding* or *Correia* Complaints or any amended and/or consolidated complaint that may be in any of the currently filed or future related actions.

SO ORDERED.

Dated: _____

DENISE J. CASPER
U.S. DISTRICT JUDGE

IT IS SO STIPULATED, through counsel of record.

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Counsel for Defendant Avangrid, Inc.

CERTIFICATE OF SERVICE

I, Thomas M. Sobol, certify that, on this date, the foregoing document was served by filing it on the court's CM/ECF system, which will automatically send a notification of such filing to all counsel of record via electronic mail.

Dated: February 16, 2018

/s/ Thomas M. Sobol

Thomas M. Sobol